

**REMARKS****I. Status of Claims**

Upon entry of this amendment, claims 21-22 and 28-33 are pending in the application. Claims 21, 29, and 30 have been amended. Claims 23-27 have been canceled herein. Claims 1-20 have previously been canceled.

In order to expedite prosecution of the application and advance the case toward allowance, claim 1 has been amended to incorporate the limitations of claims 24 and 25, which were deemed allowable except for being dependent on a rejected base claim. Support for this amendment is found throughout the specification as filed, in particular, in the originally filed claims. Claims 29 and 30 have been amended to correct typographical errors. Thus, no new matter has been added by this amendment and entry of the amendment is respectfully requested.

Cancellation of the claims is made without prejudice, without intent to abandon any originally claimed subject matter, and without intent to acquiesce in any rejection of record. Applicants expressly reserve the right to file one or more continuing applications hereof containing the subject matter of the canceled claims.

**II. Declaration**

As requested, Applicants have corrected the priority claim in the Supplemental ADS and the Declaration, both of which are attached herewith.

**III. Withdrawal of Objections and Rejections**

Applicants thank the Examiner for withdrawing the objections to claims 2-19 and 21-22 because of informalities.

Applicants also thank the Examiner for withdrawing the rejections of:

1. claims 1-9, 11-12 and 20-21 under 35 U.S.C. 102(e) as being anticipated by Gaxiola (US 2002/0023282 A1, filed August 2000) in light of Applicant's amendment of the claims,
2. claims 1-9, 11-12 and 14-17 under U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Young et al (WO 91/06651) in light of Applicant's amendment of the claims,
3. claim 22 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gaxiola (US 2002/0023282 A1, filed August 2000) in light of Applicant's amendment of the claims,
4. claims 18-19 under U.S.C. 103(a) as being unpatentable over Young et al (WO 91/06651) in light of Applicant's amendment of the claims,
5. claims 1-20 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of co-pending Application No. 10/617,623 in light of the abandonment of that application,
6. claims 1-20 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 3 and 5-34 of U.S. Patent No. 6,936,750 and claims 1-20 of U.S. Patent No. 7041875 in light of Applicant's cancellation of the claims,
7. the provisional rejections of claims 1-20 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 9-11 and 18-21 of copending Application No. 10/617,624, claims 17 and 19-48 of copending Application No. 11/067,456, claims 17 and 19-48 of copending Application No. 11/067,558, claim 17 and 19-48 of copending Application No. 11/065,977, and claims 1-13 and 19-20 of copending Application No. 10/520,497 in light of Applicant's cancellation of the claims.

**IV. Claim Objections**

Claims 23 and 24 have been objected to for an improper article before “nucleic”. Claims 24-25 have been objected to for being dependent on a rejected base claim. In view of the amended claim set, Applicants respectfully submit that the rejection is now moot and thus respectfully request withdrawal of the rejection.

**V. Rejection under 35 U.S.C. 112, First Paragraph, Written Description**

Claims 21-23 and 26-33 have been rejected under 35 U.S.C. 112, first paragraph for failing to comply with the written description requirement. In view of the amended claim set, Applicants respectfully submit that the rejection is now moot and thus respectfully request withdrawal of the rejection.

**VI. Rejection under 35 U.S.C. 112, First Paragraph, Enablement**

Claims 21-23 and 26-33 have been rejected under 35 U.S.C. 112, first paragraph for lacking enablement. In view of the amended claim set, Applicants respectfully submit that the rejection is now moot and thus respectfully request withdrawal of the rejection.

**VII. Rejection under 35 U.S.C. 112, Second Paragraph**

Claims 23, 25 and 29-30 have been rejected under 35 U.S.C. 112, second paragraph, for being indefinite. In view of the amended claim set, Applicants respectfully submit that the rejection is now moot and thus respectfully request withdrawal of the rejection.


**VIII. Conclusion**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. **595792000121**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 1, 2007

Respectfully submitted,

By  \_\_\_\_\_  
Patricia Tsao

Registration No.: 50,713  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
(415) 268-6642